

From S. F.  
Sierra, Sept. 15.  
For S. F.  
Mongolia, Sept. 13.  
From Vancouver:  
Mama, Oct. 8.  
For Vancouver:  
Makura, Oct. 7.

# Honolulu Star-Bulletin

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## FRANCHISE IS IN DOUBT LEGAL POINT INVOLVED

### HILO TRACTION MAY AGAIN GO TO CONGRESS

Attorney-General and Representatives of Company in Conference This Morning

Confronted by a question of the legal interpretation of the federal act granting their franchise, the promoters of the Hilo Traction Company are facing the possibility of having to go again to congress and ask a modification of the law or accepting the alternative of forfeiting the franchise.

This news became public following a conference this morning at the executive chamber at which were present the acting governor, the territorial treasurer and the attorney general, representing the territorial government, and Senator D. E. Metzger and Robert W. Shingle, representing the Hilo Traction Company. Summed down, the point on which the new railway company's crisis rests, is that it has failed to expend the sum of \$20,000 in projecting its line during the first year following the passage of the franchise act by congress, that year ended August 1, 1913.

There is a clause in the act, however, which may provide a loophole, and if this clause is so defined by the proper legal authorities the promoters believe they are safely within the requirement, and that the line's development may continue. Attorney General Thayer has taken up the study of this question. How long it will be before an opinion can be given is not known.

The following clause in the act is as follows:

"The construction of the railway shall be commenced and, at least, the sum of twenty thousand dollars shall have been expended or contracted to be expended within one year after the passage of this act by the congress of the United States, and at least two miles shall be completed, equipped, and ready for the transportation of passengers within two years after such commencement."

The phrase requiring legal definition is "or contracted to be expended within one year." It may be decided that this means merely that the amount must have been contracted



Attorney-General W. W. Thayer and Delbert E. Metzger, who conferred this morning regarding the lapsing of the Hilo Traction Company's franchise.

## SPECIAL SUGAR TRAINING AT LOCAL COLLEGE

Leading Industry of Territory  
Added to Curriculum  
at Hawaii

This year Hawaii will make a beginning through the agency of the College of Hawaii in the home training of sugar experts. Heretofore these men have been imported "ready-made," from other sugar countries. Now with the added room and the increased facilities promised by the new building and the moving of the old buildings to the new grounds, the College has been enabled to enter upon a new line of work—the establishment of a Department of Sugar Technology. This line of work has been contemplated for more than two years, but laboratory room and other facilities were not possible in the old building.

Professor Herbert S. Walker was last spring appointed to take charge of this work. He has had wide experience in the sugar industry and has a liberal training in the chemistry of the subject. The work of this department will bind the college more closely than ever before to the interests of the people and the industries of the Territory.

The following courses will be offered this year:

1. Sugar technology. Laboratory and lecture course intended to fit the student for the position of chemist in a sugar house laboratory.

Among other topics taken up are the theory and construction of the polariscope and the refractometer, the calibration and testing of these and other laboratory apparatus, general

(Continued on page eight)

## LADIES' SINGLES NEXT TENNIS EVENT

The mixed doubles tennis championship tournament now in progress has waked so much interest in the game among the fair net experts that it has been decided to play for the ladies' singles title this year.

Already eight entries have been received. Entries close with E. O. Hall & Son Saturday noon, and the tournament will start next Monday afternoon.

## SUGAR CLAUSE AGREED UPON

[Special Star-Bulletin Cable]  
WASHINGTON, D. C., Sept. 12.—THE SUGAR SCHEDULE OF THE NEW TARIFF BILL, INCLUDING THE DATE OF MARCH 1 WHEN THE REDUCTION TO \$25.12 PER TON GOES INTO EFFECT, HAS BEEN ACCEPTED AT THE HOUSE-SENATE CONFERENCE WITHOUT CHANGE.

## McCandless Goes To Insane Asylum

George McCandless, whose sentence of four years for passing bad checks resulted in the movement to examine him for alleged mental irresponsibility, was ordered committed to the asylum this afternoon.

## FISHERMEN TO MAKE FURTHER TEST OF LAW

Statute Declared to Be Unjust, Unreasonable and Contrary to Intent of Legislature

## CHILLINGWORTH WILL MAKE FIGHT ON RULING

Supreme Court Decision Held to Be Contrary to Meaning of Bill

Confident that the nehu-net law is not constitutional, notwithstanding the decision of the supreme court to the contrary, fishermen on this island are preparing to bring a second test case of the law, urging as the basis for the suit that if the nehu-net statute is enforced, a fish famine will follow. Charles Chillingworth, attorney for a Japanese fish haul, stated this morning that no time will be lost in prosecuting the action.

While the test suit recently decided, which began in Walluku, turned upon the contention that the territorial government did not have the power to regulate fishing in the sea waters about the island; that power, it was argued, was vested in the federal government; the action now contemplated will be fought upon the point that the law is unreasonable, unjust, and its effect not realized by the legislature which gave birth to the law.

Attorney Chillingworth is inclined to admit that the territory has the right to make reasonable regulations for fishing, but he believes when it is shown that a regulation is pernicious or disastrous to the fishing business, which he declares the nehu-net law to be, it should be annulled.

"The legislature never realized the effect of the law. At first glance the statute seems harmless. It merely says that nehu shall not be fished for with nets in excess of 12 feet in length. It is not until one looks into the fishing business that it is realized how impossible it is to catch nehu with a twelve foot net. To catch them a purse-net is necessary, which must be more than 12 feet long."

"It is impossible to take the fish in any other way. The nehu is a bait fish, and it is used to catch the aku. The aku is also a bait fish; quite a bit larger than the nehu, and is used for getting deep sea fish. Now with the enforcement of the nehu law, no aku can be caught, and without aku no bait can be had for deep sea fish. Nehu is also used to catch other fish besides aku. It is a very important bait fish."

"If we do not succeed in our test suit, it looks like a fish shortage will hit Honolulu. Fish are already scarce; the price is high because the market is increasing and the supply diminishing."

The Walluku test suit was first decided by Judge W. A. McKay; the supreme court sustaining his decision September 7.

## OAHU COUNTRY CLUB ELECTS DIRECTORS FOR THE NEXT YEAR

The annual meeting of the members of the Oahu Country Club was held last night at the clubhouse, nine directors being elected for the ensuing year, as follows:

George H. Angus, H. H. Walker, W. H. McNerny, J. O. Young, G. H. Buttolph, C. G. Bockus, W. E. Brown, E. W. Sutton, William Simpson. Walker, Young and Sutton are hold-overs from the old board.

Under the constitutional amendment passed last week by the club members, the nine directors elect their own officers, consisting of president, first and second vice presidents, secretary and treasurer. The chairman of the house committee and the grounds committee must be a member of the board of directors, but if none of the elected directors are available, the board is empowered to appoint other members, who become ex-officio directors.

A meeting of the board of directors to elect club officers will be held some day next week.

Miss Eleanor Wilson of the White House, is to take the leading part in a bird play to be given soon in New Hampshire.

## BOURBONS WOULD ENTERTAIN GOVERNOR HARRISON THE GUEST

### POLITICAL TALK DESIRED BY THE LOCAL DEMOCRATS

Fellow Party-Members Plan a Welcome to New Governor-General of Philippines

A movement is on foot among some of the leading Democrats of the city to tender a reception to Governor-General Francis Burton Harrison, when he arrives here on Tuesday next en route to his official station in the Philippines. It is understood that the Yale men will give Governor Harrison a lunch party at the University Club, and there is talk of a public non-partisan reception to be tendered by the commercial bodies of the city, probably at the executive building.

But the Democrats feel that so prominent a man of their political faith should not be permitted to come and go without some polite demonstration in his honor on their part. C. W. Ashford is undertaking to make the preliminary arrangements with Governor Harrison by wireless telegraph. It is hoped that he can be prevailed upon to give a brief political address, and due notice will be given through the press of whatever may be arranged in this regard.

## DELEGATE KUHIO PLANS TO START HOME ON MONDAY

Reports Are That He Is Supporting Pinkham and May Return with Him

Delegate Kuhio is planning to leave Washington next Monday for Hawaii, and is expected here as soon as railroad and steamship lines can bring him. According to news received by John Colburn, treasurer and manager of the Kapiolani Estate, the delegate will not tarry long on the coast. He is anxious to get back to Hawaii for a brief vacation before the winter term of Congress.

The senate having passed the sugar tariff bill by an emphatic vote and the differences between house and senate measures being almost certain to be speedily smoothed out, the delegate has no reason for remaining in Washington during the remainder of the extra session. He has done all he could on behalf of the sugar tariff, but could do little to stop the free-sugar sentiment of the Democratic majority.

So far as is known, Delegate Kuhio has adhered to his original determination to uphold the nomination of L. E. Pinkham for governor. The delegate is said to be well satisfied that Pinkham feels about the same way he does on a desirable land policy for Hawaii and it is not unlikely that, if Pinkham's confirmation should be expected early next week, Kuhio would wait a few days for the senate to pass final approval on the nomination and then return to Hawaii with the new executive.

## 'JACK' YOUNG TO HEAD COMMITTEE ON HARBOR SHOW

John A. Young of Young Brothers, one of the best known waterfronters in Honolulu, will be chairman of the committee on the water pageant that is to be held during Floral Parade Week of 1914.

This announcement was made by Director General Dougherty last night at a dinner given to local newspapermen. Mr. Young accepted the position yesterday, and Director Dougherty feels that the job is in good hands. "Jack" Young has a wide acquaintance along the waterfront and among the Japanese fishermen who, it is hoped, will make up a great part of a spectacular pageant that is planned for the harbor carnival. Chairman Young will work in co-operation with a special committee from the Japanese community.

In speaking briefly of his plans last night, Mr. Young said that he is confident that five thousand people can be accommodated along the waterfront and that there will be an attraction sufficient easily to draw that number there.

Lightning struck an oil tank at Coalina, California, setting fire to 37,000 barrels of high gravity oil.



C. W. Ashford, who is endeavoring to arrange for Governor-General Harrison to deliver a political address in Honolulu.

## CIVIL SERVICE COMMISSIONERS MEET WEDNESDAY

Rule Affecting Police Rewards Not Popular with Chief McDuffie

In the absence of Senator Ambrose J. Wirtz, chairman of the civil service commission, a meeting of that body was not held last evening. Senator Wirtz is ill. The meeting has been postponed subject to the call of the chair; probably it will not be held until next Wednesday.

The police rules and regulations will be taken up at the coming meeting and they probably will be adopted. The commissioners have been provided with copies of the draft as prepared by Senator Wirtz, and no objections to the provisions so far have been made. He observes that the rules and regulations for the police department are longer than those of other departments. Possibly some of the regulations are more drastic, or at least have a more drastic effect on the police force than the regulations for the fire department. In one instance, that of special compensations, both departments have precisely the same rule, a rule by which all such extra awards or compensations shall be put in a fund and not kept by the one who happens to receive it.

In the case of the fire department no objection was heard, because it is said the money received by the men under this head amounts to little. In the case of the police department, conditions are said to be different. It is estimated that the rewards received by Chief of Detectives McDuffie, who by virtue of his position has received the large bulk of the rewards, amount to several hundred dollars a year. The truth of this may be questioned, but at any rate McDuffie is undoubtedly displeased with the idea of giving up his extra money, and an effort therefore may be made to have the rule quashed.

## MAY PLACE FLOAT IN S. F. PORTOLA PARADE

If it is found that there is enough money on hand to warrant the expense, the Hawaii Promotion Committee will direct an automobile float to be entered in the San Francisco Portola festival parade. So stated H. P. Wood, secretary of the committee, this morning.

A meeting of the committee will be held this afternoon at its rooms at 3:30 o'clock, and at that time the financial condition of the committee will be made known. To enter a float in the parade will cost in the neighborhood of \$500, says Wood. Less money could be spent on one, to be sure, but a float as the secretary plans it, one attractive and artistic and suggestive of the beauty of Hawaii, can not be had for less than \$500, he says.

## GOV. SULZER DISAPPEARS HE DROPS OUT OF SIGHT

Private Secretary of Impeached New York Executive Says He Doesn't Know Where He Has Gone or Why — Not at Home in Albany

[Associated Press Cable]  
ALBANY, N. Y., Sept. 12.—Governor William Sulzer, impeached, but still persistently attempting to hold office, has disappeared, and his private secretary says that he is totally ignorant of where he has gone or why. He is not at the executive mansion here, and has not been seen around the statehouse or any of the places he frequents.

## McAneny Refuses to Run Against New York Fusionists

[Associated Press Cable]  
NEW YORK, N. Y., Sept. 12.—A move to keep the independent city ticket in the field here, following Mayor Gaynor's death, seems likely to fail because of the refusal of George McAneny, president of the borough of Manhattan, to become a party to the deal.

Garnor's campaign managers, after a long conference last night, decided to substitute McAneny in Gaynor's place. McAneny is well known and has a large following. He was one of the candidates considered by the Fusion committee, which finally chose John Purroy Mitchell to make the race against Tammany.

The independent managers, however, could not persuade McAneny to take the proffered nomination today. He is already Fusion candidate for president of the board of aldermen. He flatly declined to accept the mayoralty nomination, saying that it would disrupt the Fusion forces.

## New Hampshire Governor Has Next Move in the Thaw Case

[Associated Press Cable]  
COLEBROOK, N. H., Sept. 12.—The next move in the Thaw case, it is expected, will be before Governor Felker. Attorney Jerome, representing the state of New York, is asking that Felker grant extradition papers so that Thaw can be taken back to Matteawan.

Thaw fears that he will be kidnapped from his cell again and has hired bodyguards to watch him night and day.

## Bubonic Plague on Coast

[Associated Press Cable]  
SAN FRANCISCO, Cal., Sept. 12.—The discovery of bubonic plague in Martinez, on San Francisco bay, has caused sudden activity on the part of the U. S. Public Health and Marine Hospital service, and the government has appropriated \$40,000 to fight the disease. One death has occurred.

There is no epidemic at Martinez. The cases are sporadic, and due to diseased ground squirrels. The ap. operation is part of a general campaign for the extermination of the ground squirrels, the fight against which has been in progress for several years.

## Mexican Minister Resigns

[Associated Press Cable]  
MEXICO CITY, Mex., Sept. 12.—Rudolfo Reyes, son of the late General Bernardo Reyes, who was shot and killed during the revolt of last February, when Huerta came into power, has resigned his post as minister of justice. He says that the policy of Huerta demands this move on his part.

## Prehistoric Elephant Dug Up

[Associated Press Cable]  
LOS ANGELES, Cal., Sept. 12.—Workmen employed on the Rancho del Brae, near this city, have excavated the skeleton of a prehistoric elephant, eighteen feet high, and of great length. Geologists estimate that the animal lived 250,000 years ago.

## CITY BALKS ON PAYING WATER BILL

Caldwell Meets Open Defiance at Hands of Board of Supervisors

John W. Caldwell, superintendent of public works, will be given a light for a large part of the sum he is demanding from the city and county for water being supplied to it. Open defiance to his demand for immediate payment were heard at the meeting of the supervisors this afternoon before the report submitted by a special committee was adopted. In the report it was recommended that only a fractional part of the amount claimed be paid.

Mayor Fern breathed fire. The spirit of fight was in him and he therefore urged upon the city fathers that they withhold any payment to Caldwell on the claim and fight out in court the question of whether the city and county is obliged to pay the territory for water used.

What the committee, composed of Supervisors Petrie, Pacheco and Cox, recommended in the report follows: "Your committee would recommend that the bills for water and sewer rates for the parks, schools and different departments, with the exception of the electric light station, and fire hydrants, be paid and an appropriation be made for the same."

In other words, the committee recommended that about \$5,000 of the \$7,000 be paid. That the trouble over the water bills will not end with their ultimate payment, if they are paid, was shown during the meeting when Supervisor Pacheco stated that he was preparing to furnish the territory with a nice bill for electric lights. And also was in shown that this bill will be readily paid by Caldwell.

"I have spoken to Superintendent Caldwell concerning this bill," said Pacheco, "and he has denied the territory's liability for it. He insists that as the plant is owned by the territory and only run by the county that therefore the county must live the territory its lights free."

The special committee will take up anew the disputed claims and report at the next meeting.

## TODAY'S MAJOR LEAGUE RESULTS

AMERICAN LEAGUE.  
Philadelphia—Philadelphia 7, Chicago 5.  
At St. Louis—New York 10, St. Louis 3.  
At Boston—Boston 18, Detroit 5.  
At Washington—Washington 5, Cleveland 1.  
No games in National League.

## Senator Away; Confirmation Action Delayed

[Special Star-Bulletin Cable]  
WASHINGTON, D. C., Sept. 12.—No quorum could be secured this morning of the senate committee on Pacific Islands and Porto Rico for consideration of the nomination of L. E. Pinkham for governor, and of the complaints against him and his answer. Another meeting has been called for next Monday, but it will probably have the same result, as several committee members are out of town on vacations.

C. S. ALBERT.  
The special committee will take up anew the disputed claims and report at the next meeting.

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